

TIME WARNER

Bernard R. Sorkin
Senior Counsel

April 14, 2000

Robert Kasunic, Esq.
Senior Attorney
Office of the General Counsel
U.S. Copyright Office
James Madison Memorial Building
LM-403
Washington, DC 20024

Re: Docket #RM 99-7, Request to Testify in the Hearings Regarding the Rulemaking on Exemptions from Prohibition on Circumvention of Technological Measures that Control Access to Copyrighted Works

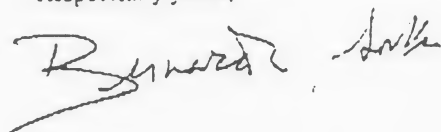
Dear Mr. Kasunic:

Following is a 1-page summary of the testimony I intend to provide:

1. There has been no showing of any realistic likelihood of any adverse effect on anyone's ability to make non-infringing uses of any particular "class of works" when Section 1201(a)(1)(A) becomes effective.
2. There has been no rationale definition provided of a "class of works".
3. However "class of works" is defined, any exemption from the operation of said Section will have the effect of removing the protection of that Section from other works not intended to fall within the definition.
4. The concerns expressed about adverse effects flowing from the effectiveness of said Section are purely speculative. Indeed, that must be inasmuch as said Section is not yet in effect.
5. The speculations about future adverse effects do not take into consideration that, at least for some protracted period of time, works will continue to be made available in analog formats and paper formats, that is, in ways not subject to the concerns so expressed.
6. Such speculations also ignore the very fundamental fact that copyright owners, distributors and publishers are interested in the widest possible distribution of their works. They cannot exist and grow by barring their works from public availability.
7. On the other hand, the kind of attacks on technological protection that Section 1201 is intended to prevent have already taken place. One example is the hacking of the CSS technology intended to protect DVDs.
8. Although, as stated above, the concerns about "adverse effects" are speculative, the threats to technological protections and copyright, as stated above, are real and have already manifested themselves.
9. There is no basis for delaying the effective date of Section 1201(a)(1)(A). When said Section comes into effect, a real-world assessment can be made with respect to the question posed in this inquiry.

Thank you.

Respectfully yours,



Contact Information:

Bernard R. Sorkin, Esq.
Senior Counsel
Time Warner Inc.
75 Rockefeller Plaza, 24th Floor
New York, NY 10019
Tele: (212) 484-8915
Fax: (212) 258-3006
e-mail: Bernard.Sorkin@twi.com

BRS:sib

REDACTED



M-6427